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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,216	01/22/2004	Kuen-Huei Chang	06484.220	2753
22852	7590	12/01/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TRA, ANH QUAN	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,216

Applicant(s)

CHANG ET AL.

Examiner

Quan Tra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is in response to Applicants' response filed 10/13/05. The rejection in previous office action is maintained.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooishi (USP 6271710) in view of Branch et al. (US 2003/0076179).

As to claim 8, Ooshi's figure 4 shows a circuit comprising: a first current generator (246 and circuit 23) providing a first current in response to a constant voltage (output of circuit 20), a voltage generator (211-217, R1 and R2) providing a temperature dependent voltage; a second current generator (218-220) providing a second current in response to the temperature dependent voltage; and a frequency generator (oscillator 30 in figure 3) providing a frequency in response to the sum of the first and second currents. Thus, figure 4 shows all limitations of the claim except for the detail of the ring oscillator 30. However, Branch et al.'s figure 3a shows a ring oscillator having low Jitter. Therefore, it would have been obvious to one having ordinary skill in the art to use Branch et al.'s ring oscillator for Ooshi's oscillator 30 for the purpose of saving power consumption. Thus, the modified Ooshi's figure 4 shows that the frequency generator comprises a comparator and a capacitor.

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As to claim 2, figure 4 shows that the voltage generator includes a resistor (R2) having a temperature dependent resistance.

As to claim 4, figure 4 shows that the temperature dependent resistance of the resistor increases as the temperature increases, and decreases as the temperature decreases.

As to claim 9, figure 4 shows that the voltage generator includes a current source (212), a resistor (R2) having a temperature dependent resistance, and an output terminal coupled between the current source and the resistor.

As to claim 10, figure 4 shows that the second current generator includes a transistor (218) having a gate coupled to the output terminal.

As to claim 11, figure 4 shows that the second current is turned off at a predetermined temperature (at a predetermined temperature, the resistance of resistor R2 decreases to a value that all current from 212 will go through transistor 214 and R2, and there is no current going through transistors 217. Transistors 218-220 will be turned off).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicants argue that Ooishi fails to teach "a voltage generator providing a temperature dependent voltage" and "a second current generator providing a second current in response to the temperature dependent voltage". The Examiner respectfully disagrees. As shown in Ooishi's figure 4, the current  $I_t$  is increased when temperature increases. The current  $I_t$  is control by the voltage at the gates of transistors 218-220. In order to increase the current  $I_t$ , the voltage at the gates of transistors 218-220 must be increased. Therefore, the voltage of the gates of transistors 218-220 is increased when temperature increases in order to increase the current  $I_t$ . Thus, the

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voltage at the gates of transistors 218-220 is dependent on temperature. Thus, Ooishi's figure 4 shows a voltage generator (211-217) providing temperature dependent voltage (voltage at the gates of transistors 218-220) and a second current generator (218-220) providing second current (It) in response to the temperature dependent voltage.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan Tra whose telephone number is 571-272-1755. The examiner can normally be reached on 8:00 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Quan Tra', with a stylized, flowing script.

QUAN TRA  
PRIMARY EXAMINER  
Art Unit 2816

November 14, 2005